HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 21987 OF 1995

BETWEEN

Y. Rama Murthy

.....**Petitioner**

And

The A.P. Housing Board, Hyderabad rep. by Regional Housing Engineer, Nellore & another

.....**Respondents**

:: O R D E R::

Counsel for the Petitioner : Harita Akkineni

Counsel for the Respondent Nos. 1 and 2 : Shri D. Ranganatha Kumar,

Standing counsel for Andhra Pradesh Housing Board

Dated: 05.04.2006

This is a petition for quashing orders dated 30.06.1990 and 28.08.1995 passed by competent authority-cum-Tribunal constituted under The Andhra Pradesh Housing Board Act, 1956 (for short 'the Act') and District Judge, Ongole-cum-Appellate Authority respectively.

A perusal of the record shows that on an application made by the Regional Housing Engineer, Nellore under Sections 52 and 53 of the Act with the allegation that the petitioner had encroached on the land belonging to the Housing Board, the competent authority, after issuing notice to the petitioner and giving him opportunity of hearing, passed order dated 30.06.1990 for his eviction by holding that he had encroached on the land of the Housing Board. The appeal preferred by the petitioner was dismissed by District Judge, Ongole vide his order dated 28.08.1995.

When the writ petition was taken up for hearing on 29.03.2006, learned counsel for the petitioner made a request for adjournment to enable her to seek instructions from her client on the possibility of his making an application to the Board for purchase of the land at the market price.

Ms. Harita Akkineni, learned counsel for the petitioner says that her client is ready and willing to pay market price of the land on which he has built the house and has been residing for the last more than 30 years. She also pointed out that in the past the Board had sold land to the encroachers by charging market price and submitted that her client may be permitted to withdraw this petition with liberty to make an application to the competent

authority of the Board for purchase of the property by paying market price.

Learned counsel for the Housing Board says that there is no provision in the Act for regularizing the illegal constructions made by the encroachers and, therefore, the Court may not pass an order for acceptance of the market price, which may be offered by the petitioner. At the same time, he submitted that he does not have objection if the petitioner is granted leave to withdraw the writ petition with liberty to make an application before the competent authority of the Board.

In view of the above, the writ petition is dismissed as withdrawn with liberty to the petitioner to make an application to the competent authority for purchase of the property in question. It is hoped that the application, if any, made by the petitioner, will be dealt with and decided by the competent authority within a period of two months. Till then, the petitioner shall not be evicted from the property in his possession.

G.S.SINGHVI, CJ

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05.04.2006